

PANHANDLE HEALTH DISTRICT POLICY


Policy - Vested Rights Policy – Remodel or Replacement of Existing Structure Covers:	Policy No. ERT-5-2 Effective: 8/30/06
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Policy Statement:

Purpose: The square footage of habitable space will be used to determine a vested right.

“Current approved habitable space” is defined as the total square footage of all structures on the property except garages, shops and covered but not enclosed decks. Vested right does not apply to a change in use (i.e. change from commercial to residential).

The 10% allowance authorized in the policy can be applied only once to any given parcel.

Revision No.:	Issued by: 
Revision Date:	August 30, 2006

SCENARIOS

1. System was permitted, final inspection and approved: It met standards at the time of installation or did not meet standards at the time of installation (usually related to a Repair/Best Fit).

The home could be remodeled or replaced, providing the square footage of habitable space is no more than 110% of the current approved habitable space.

2. System was permitted, but no final inspection.

An application for a repair permit must be made. The tank and ends of the drainfield lines must be dug up and inspected for compliance with the original permit. If in compliance, the home could be remodeled or replaced, providing the square footage of habitable space is no more than 110% of the current approved habitable space.

If the system was not installed to the original permit specifications, it is to be upgraded to meet the original permit requirements.

3. Installation was made after August 1, 1971, but does not have a valid permit.

This is an illegal installation and has no vested right. A new permit must be obtained and the system brought into compliance with current regulations. If that is not possible, the permit and proposed construction are denied.

4. Installation was made prior to August 1, 1971.

A repair permit is required and the system must be upgraded to current standards if possible. If this is not possible, the upgrade must be to the best possible system given the constraints of the property, and the structure will be limited to no more than 110% of the current approved habitable space. An alternative system may be required.

5. Valid permit, final inspection and approval, or pre August 1, 1971, installation, but has not received wastewater flows more than a year.

The system is considered abandoned. Inspect site and system location for compliance with current regulations. If the system is in compliance with current regulations, it can be used for the current approved habitable space. If the system is not in compliance with current regulations, a repair permit will be required, and the system must be upgraded to current standards if possible. If current standards cannot be met, the best possible system given the constraints of the property must be installed. This may require the use of an alternative system. Once the system has been upgraded, it can be connected to. If the upgrade cannot meet current standards, the dwelling will be limited to no more than 110% of the current approved habitable space.